

**Middlesex Borough Planning Board  
1200 Mountain Ave., Middlesex, NJ 08846  
Minutes  
October 12, 2016**

**1. Call to Order**

Chairperson Galida called the meeting to order at 7:31 p.m.

**2 .Open Public Meeting Act Statement**

Chairperson Galida read the Open Public Meeting Act statement.

**3. Call to Order**

Upon voice count the following members were present- Al Lowande, Andy Galida, Jim Green, John Sweeney, Paul Woska and Frank Ryan.

Also in attendance were: Board Attorney, Ms. Kelly Carey  
Board Engineer, Mr. Robert Bucco Jr.  
Board Planner, Mr. Paul Ricci

**5. Minutes**

Member Sweeney made a motion to approve September 28, 2016 meeting minutes, seconded by Member Lowande. Vote: All in favor. Motion passed.

**6. New Business**

**P2016-07  
Templin  
59 Warrentville Rd.  
Block 5 Lot 8**

**Major Subdivison**

Mr. Ferb stated that he is representing RJT Construction.

Mr. Templin stated that he is the surveyor and engineer as well as being the applicant.

At this time Member Anello arrived.

The Board accepted Mr. Templin as an expert witness as he has appeared in front of the Board before.

Mr. Templin stated that the property has 4.38 acres which he is proposing to subdivide into three lots.

Mt. Templin stated that 2 lots will front Warrentville Rd and the third lot will be a flag lot.

Mr. Templin stated that the existing house will be removed and that only the 6 trees going to be removed are the trees that are located on the proposed driveway and new house.

Mr. Templin stated that on lot 8.03 there is a conservation easement and high tension wire that would not affect the proposed house.

Mr. Templin stated:

- Lot 8.01 would have 10,318 sq. ft.
- Lot 8.02 would have 10,475 sq. ft.
- Lot 8.03 would have 170,043 sq. ft.

Mr. Templin stated that the Lot 8.03 would only require a bulk variance due to 30ft wide strip for the driveway.

The Board started to review the Engineer's Report dated June 2, 2016.

The applicant requested waivers from providing the floor plan; the applicant has not determined what type of houses will be built.

The applicant requested waivers from detailed plan on proposed lighting; the applicant stated that it would be typical residential house.

The applicant requested waiver from existing and proposed signage; the applicant stated that this is residential property not commercial property.

The applicant requested a waiver from plan of existing and proposed refuse area; the applicant is not proposing any since it is not a commercial site.

Member Anello made a motion to approve the design waivers, seconded by Member Woska.

The applicant agreed to have the Board Engineer and Board Attorney review the deeds for subdivision.

The applicant agreed to have the wetlands be shown on a conservation deed.

The applicant stated that he has received a NJDEP Letter of Interpretation.

The applicant agreed to replace the sidewalks and curbing.

The applicant will demolish the existing house and greenhouse on the property, the masonry garage will be kept during construction and then demolished after construction.

The applicant will add a note to the plans regarding the garage.

The applicant will add a note to the plans regarding all existing utilities.

The applicant will add a note to the plan regarding matching the sidewalk and curbing.

The applicant will match the proposed sidewalk to the existing sidewalk.

The applicant will revise the curb cut on the plans.

The applicant will provide a construction roadway restoration detail on the plan.

The applicant is removing 6 trees and will have to comply with the Borough's tree replacement plan.

The applicant stated that the residences will have basements; the basement elevation will be added to the plan.

The applicant will add to the plans the handicapped curb ramps that will match across the street.

The applicant stated that the disturbance on the property is less than .07 acres and will not need a NJDEP permit.

The applicant is not committing to a foot print just a subdivision of the property and is not submitting a storm water grading plan.

The applicant will add the driveway detail to the plans.

The applicant will add all the notes from Engineer's letter dated June 2, 2016 technical comment #15.

The applicant will add a signature block, post a performance bond, and be required to obtain a NJDEP Flood Hazard Permit.

The applicant stated that he has a Letter of Interpretation from the NJDEP.

The applicant will get approval from the necessary outside agencies.

Member Anello question the bottom elevation of the basement.

The applicant stated that the bottom elevation of the basement would be 50ft and the finished floor of the basement would be 53.5 ft.

Member Anello questioned the utilities to the back building.

The applicant will add to the plans the underground utilities to the back building.

Member Ryan questioned if the garage would remain during construction had electric service.

The applicant stated that the garage does have its own meter.

Member Ryan questioned if there had been flooding on the property.

Chairperson Galida opened the meeting to the public for questions of the Owner/Engineer.

Robert DeFilippis, 45 Warrentville Rd. asked about the square footage of the houses. He also asked how far from the power line easement would the 3<sup>rd</sup> house be located.

Mr. Templin stated that the house would be approximately 2, 400 square feet and located approximately 100ft from the power line.

Mr. DeFilippis stated that there was a 50ft power line easement.

Mr. Ricci explained that the corner tip of the house would be approximately 85ft from the easement.

The Board explained that 75ft frontage is required for the zone but the applicant is asking for 30ft due to the location of house frontage to Warrentville Rd.

Mr. Ricci explained that Mr. Templin has also proposed a 4 lot subdivision with a cul-de-sac that would be conforming.

Mr. Ricci explained that the Board can grant the subdivision for 3 three lots with the bulk variance or grant the subdivision for 4 conforming lots with a cul-de-sac.

Kim Mirocco (Groves), 45B Warrentville Rd asked if there would be a fence on the property.

Mr. Templin stated that there was no fence proposed at this time.

Elizabeth Sam-Garni, 111 Valley Brook Ct. questioned Mr. Templin on the 6 trees that would be removed along the rear of the property and had concerns of development of property would increase water into brook. She stated her property does flood.

Mr. Templin stated that the trees would be replaced by 2 ½ to 3 inch caliper trees most along rear.

William Bronackas, 64 Warrenville Rd stated that the property is infested with wildlife and is an eyesore and was in favor of development.

Mike Fitzsimmons, 115 Valley Brook Ct questioned if the 3<sup>rd</sup> lot property owner would also be the owner of the wetlands. He stated that his house is located behind the property. He questioned dry well and questioned if the lots would have city water as he thought there was a well on the property.

Mr. Templin stated that the lots would be connected to city water.

Robert DeFilippis, 45 Warrenville Rd wanted to know the acreage of the property and the sizes of the three lots.

Mr. Templin stated that the property is 4.38 acres and would be divided into 2 lots being .25 acres each and the remainder of the acreage with the third lot.

Member Ryan asked what steps are done to prevent disturbance to the wetlands and would there will be a deed on the wetlands.

Mr. Ricci suggested to place stakes on the property.

Mr. Templin suggested a fence with signage notifying that the area is a wetland.

Mr. Templin stated that there was barb wire fence on the property that he would be removing as the property was once a farm.

The Board reviewed Paul Ricci's letter.

Mr. Ricci stated that the Board's focus is whether they will be granting the 3 lot subdivision with variance or 4 lot subdivision.

The Board talked about another subdivision with a long driveway and safety concerns with fire trucks.

The Board will have the fire department review the application.

Mr. Ricci confirmed that the applicant will be replacing sidewalk and curbing and staking the wetland area on the property.

Chairperson Galida opened the meeting to the public for questions for the applicant on the Planner's report.

Michael Fitzsimmons, 115 Valley Brook Ct. asked about any provisions for removing down trees on the rear of the site.

Mr. Templin stated it will depend on the conservation easement and how it will be written.

Ms. Carey and Mr. Bucco stated that the NJDEP would have jurisdiction of a conservation easement.

Mr. Bucco informed the Board Members that when the applicant files the deed for the subdivision; a conservation agreement will have to be included in it.

Mr. Ricci referenced the Borough code of section 325 regarding this issue.

The Board discussed the conservation agreement and that the focus of these types of easements are to leave the property natural.

The Board reviewed the Police Department memo.

The Board reviewed the James Frace letter application for wetlands permit to NJDEP.

The applicant received a LOI (Letter of Interpretation) from the NJDEP and will provide a copy of this letter to Mr. Bucco, Board Engineer.

The Board discussed the application.

Member Lowande had a reservation of a 30ft setback in R75 zone.

Member Anello was in favor of the subdivision, having the applicant clean the lot and new house would add additional taxes for the town.

Ms. Carey asked if the Board was in favor of the 4 lots or 3 lots with variance.

Chairperson Galida asked about the square footage of the lots on the 4 lot subdivision with cul-de-sac.

Mr. Templin stated the square footage of the 4 lots and the proximity to the neighbors.

The Board discussed the 4 lots and would be close to the neighbors and the Borough would be responsible for another street.

Mr. Templin entered the drawing of 4 lots with cul-de-sac as Exhibit A1 (10/12/16).

The Board discussed the cul-de-sac plans

The Board requested the plans be reviewed by the fire department.

Ms. Carey stated that one of the conditions of approval will be approval from the fire department.

The board discussed the best use of the property and Board Members agreed 3 lot plan was better for the town vs. the 4 lot plan.

Chairperson Galida opened the meeting to the public for comments.

Kim Mirocco, 45B Warrenville Rd asked what portions can be changed and what portions of the plan can stay the same.

Ms. Carey stated that the Board is voting on the subdivision not building plans: there would be 3 lots and 3 deeds and each lot would get a building permit.

Ms. Mirocco asked the applicant to take the neighbors into consideration during the project.

Krystyna Vignoli, 108 Valley Brook Ct asked the applicant if he would be the general contractor on the project or would he be selling the lots.

Mr. Templin answered yes to both questions.

Mr. Bucco explained that after that application is approved for subdivision, the applicant will need to file deeds with the county and obtain all necessary approvals. The applicant's last step is to obtain a building permit. The applicant will need to provide a plot plan that shows the exact foot print of the house and provide a grading plan. This will need to be approved by the Borough Engineer and building department.

Robert Defillips, 45 Warrenville Rd agreed that 3 lot subdivision is better than the 4 lot subdivision and had his concerns with the flag lot. He asked about the town fixing Warrenville Rd.

The Planning Board stated that they have no jurisdiction to fix Borough Roads, that is done by the Governing Body.

Robert Vignoli, 108 Valley Brook Ct, thanked the Board Members for their service and had concerns about being across the Brook and the impact on their properties.

The Board stated that each lot would be reviewed at time of submission for permits and will have to comply with grading and drainage requirements.

The Board discussed the application and had concerns with the flag lot but felt it was better than the 4 lot subdivision.

Member Anello made a motion to approve the 3 lot subdivision with bulk variance with applicant agreeing to: the Engineer and Planning comments as discussed, meeting with the Fire Department and filing a conservation easement to delineate the wetlands on the property, seconded by Member Green. Vote: Member Lowande-yes, Chairperson Galida- yes, Member Green-yes, Member Sweeney-yes, Member Anello-yes, Member Woska-yes, Member Ryan-yes. Motion passed.

## **7. Correspondence**

No correspondence at this time.

## **8. Board Comments**

No further Board comments at this time.

Chairperson Galida opened the meeting to the public for comments, there being no public comments he closed the public portion of the meeting.

There being no further business Member Sweeney made a motion to adjourn the meeting at 9:10pm, seconded by Member Lowande. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk